

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No.: 3:14-CR-147-TAV-CCS-2
)
DAVID MAYES,)
)
Defendant.)

ORDER

This criminal case is before the Court on the Report and Recommendation entered by United States Magistrate Judge C. Clifford Shirley, Jr., on June 23, 2017 (the “R&R”) [Doc. 346]. In the R&R, Judge Shirley recommends that the defendant’s *pro se* motion for return of property be granted [Doc. 342]. There have been no timely objections to the R&R, and enough time has passed since the filing of the R&R to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); Fed. R. Crim. P. 51.

After a careful review of the R&R, the Court is in agreement with Judge Shirley’s analysis and recommendations, which the Court adopts and incorporates into its ruling. Therefore, the Court **ACCEPTS IN WHOLE** the R&R [Doc. 346], and the defendant’s *pro se* motion for return of property [Doc. 342] is **GRANTED**. The Court hereby **ORDERS** the following:

1. That defendant David Mayes send a letter to AUSA Davidson¹ designating the individual he authorizes to take custody of his property and providing contact information for that person;

¹ The Court notes that the R&R provides an address for AUSA Davidson.

2. That within one month of receipt of Defendant Mayes' letter, AUSA Davidson or her designee return the property outlined by Judge Shirley in the R&R;
3. That AUSA Davidson or her designee release the property to the individual designated by Defendant Mayes.²

The Court notes that the defendant has also filed another *pro se* motion relating to his property [Doc. 349], to which the government has not responded. Therefore, the Court hereby **ORDERS** the government to respond to this motion [Doc. 349] within 21 days of entry of this order.

IT IS SO ORDERED.

s/ Thomas A. Varlan
CHIEF UNITED STATES DISTRICT JUDGE

² The Court notes that the government has filed a notice of compliance [Doc. 347], indicating that it has already returned most if not all of the defendant's property.